

The following changes are necessary to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III);

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [<u>underline-additions</u> ; striketrough-deletions]			ECOLOGY - DISCUSSION/RATIONALE
1	MICC 19.07.110 (E) (4)	Moorage Facilities Development Standard	4. Standards Waterward of the OHWM. Moorage facilities may be developed and used as an accessory to dwellings on shoreline lots with water frontage meeting or exceeding the minimum lot width requirements specified in Table D. <u>Only one non-commercial, residential moorage facility per upland residential waterfront lot authorized.</u> The standards in Table D shall apply to development located waterward of the OHWM:			The required changes are necessary to satisfy mitigation sequencing (WAC 173-26-201 (2) (e) and pier/dock requirements from section WAC 173-26-231 (3) (b).
2	MICC 19.07.110 (E) (4) – Table D modifications	Width of Moorage Facility Development Standard	Width of moorage facilities <u>within 30 feet waterward from the OHWM</u>	E	Maximum 4 feet <u>Width may increase to 5 feet if one of the following is met:</u> <u>1) Water depth is 4.85 feet or more, as measured from the OHWM; or</u> <u>2) A moorage facility is required to comply with Americans with Disabilities Act (ADA) requirements; or</u> <u>3) A resident of the property has a documented permanent state disability as defined in WAC 308-96B-010(5); or</u> <u>4) The proposed project includes mitigation option A, B or C listed in Table E; and for replacement actions, there is either a net reduction in overwater coverage within 30 feet waterward from the OHWM</u> and 6 feet wide thereafter, except for boat ramps and lift stations. <u>or, a site specific report is prepared by a qualified professional demonstrating no net loss of ecological function of the shorelands.</u> Moorage facility width shall not include pilings, <u>boat ramps and lift stations.</u>	The identified changes were developed in consultation with the City to ensure consistency with WAC 173-26-231(3) (b), WAC 173-26-201 (2), to avoid impacts to salmon migration and achieve no net loss, minimum dock size is required; and consistency with the Biological Evaluation for the Regional Army Corps of Engineers standards for Overwater Structures in the Lake Washington System (2010 revisions).
			<u>Width of moorage facilities more than 30 feet waterward from OHWM</u>	<u>E</u>	<u>Maximum 6 feet wide. Moorage facility width shall not include pilings, boat ramps and lift stations.</u>	
3	MICC 19.07.110 (E) (4) – [New] <u>Table E</u>	Dock Width Mitigation Options	<u>Table E. Dock Width Mitigation Options</u>			Same rationale as above (item #2). The mitigation options identified in the table are consistent with jurisdiction specific protection measures as recommended within the City's Shoreline Inventory, Cumulative Impact Assessment, and Restoration Plan. The options are also consistent with priority recommendations listed within the WRIA 8 Chinook Salmon Conservation Plan's "Action Start List", which encourage use of salmon friendly designs as a part of new construction or redevelopment of existing shoreline structures/uses.
			<u>Option A - Includes at Least One of the Following:</u> <u>1. Complete removal of existing bulkhead with shoreline restoration</u> <u>2. Removal of an existing legally established boat house (A "boat house" is a covered moorage that includes walls and a roof to protect the vessel.)</u> <u>3. Replacement of two or more existing legally established individual moorage facilities with a single joint use moorage facility</u>	<u>Option B - Includes at Least Two of the Following:</u> <u>1. Removal of 12 feet or 30% (lineal), whichever is greater, of existing bulkhead and creation of beach cove with shoreline restoration</u> <u>2. Installation/Replacement of decking within the first 30 feet waterward from the OHWM that allows a minimum of 60% light transmittance.</u> <u>3. Removal of an existing legally established covered moorage within the first 30 feet waterward from the OHWM</u>	<u>Option C - Includes at Least Three of the Following:</u> <u>1. Installation/Replacement of decking within the first 30 feet waterward from the OHWM that allows a minimum of 60% light transmittance.</u> <u>2. Removal of all existing legally established piling treated with creosote or comparably toxic compounds</u> <u>3. At least a 10% net reduction of existing legally established overwater coverage within the first 30 feet waterward from OHWM</u> <u>4. Removal of all legally established individual mooring piles within the first 30 feet waterward from the OHWM</u> <u>5. Removal of an existing legally established covered moorage within the first 30 feet waterward from the OHWM</u>	

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4	MICC 19.07.110 (E) (6) (b) (v.) - (ix.)	Moorage Facility Replacement Standard	<p>v. If more than 50% of the structure's exterior surface (including decking) or structural elements (including pilings) are replaced or reconstructed, the replaced or reconstructed area of the structure must comply with the following standards:</p> <p>(A) Piers, docks, and platform lifts must be fully grated with materials that allow a minimum of 40% light transmittance;</p> <p>(B) The height above the OHWM for moorage facilities, except floats shall be a minimum of 1.5 feet and a maximum of 5 feet;</p> <p>v. (C) Piles shall not be treated with pentachlorophenol, creosote, CCA or...[no other changes to this standard]...diameter;</p> <p>vi. (D) Any paint, stain or preservative applied to...[no other changes to this standard]...compounds;</p> <p>vii. (E) The applicant shall abide by the work windows for...[no other changes to this standard]...Wildlife;</p> <p>viii. (F) Disturbance of bank vegetation shall be limited to the minimum...[no other changes to this standard]...success; and</p> <p><u>ix. If more than 50% of the structure's exterior surface (including decking) or structural elements (including pilings) are replaced or reconstructed during the 5 years immediately prior to any demolition for the replacement or reconstruction, the replaced or reconstructed area of the structure must also comply with the following standards:</u></p> <p><u>(A) Piers, docks, and platform lifts must be fully grated with materials that allow a minimum of 40% light transmittance;</u></p> <p><u>(B) The height above the OHWM for moorage facilities, except floats shall be a minimum of 1.5 feet and a maximum of 5 feet; and</u></p> <p><u>(C) An existing moorage facility that is 5 feet wide or more within 30 feet waterward from the OHWM shall be replaced or repaired with a moorage facility that complies with the width of moorage facilities standards specified in MICC 19.07.110 (E) (4) (Table D).</u></p>	The identified changes are necessary to ensure internal consistency of SMP standards and compliance with no net loss requirements related to WAC 173-26-231(3) (b) and WAC 173-26-201 (2).
5	MICC 19.07.110 (E) (6) (c) (i.) - (v.)	Moorage Facility Alternative Development Standards	<p>c. Alternative Development Standards. The code official shall approve moorage facilities not in compliance with the Development Standards in subsection MICC 19.07.110.E.6.a or 19.07.110.E.6.b if all other requirements of the development code are met and the applicant: <u>subject to both U.S. Army Corps of Engineers and Washington Department of Fish and Wildlife approval to an alternate project design. The following requirements and all other applicable provisions in this chapter shall be met:</u></p> <p><u>i. The dock must be no larger than authorized through state and federal approval;</u></p> <p><u>ii. The maximum width must comply with the width of moorage facilities standards specified in MICC 19.07.110(E)(4)(Table D);</u></p> <p><u>iii. The minimum water depth must be no shallower than authorized through state and federal approval;</u></p> <p>iv. (i) The applicant must demonstrate to the Code Official's satisfaction that the proposed project will not create a net loss in ecological function of the shorelands; and</p> <p>v. (iii) The applicant must <u>provide</u> s the City with documentation of approval of the moorage facilities by both the U.S. Army Corps of Engineers and the Washington Department of Fish and Wildlife.</p>	The identified changes are necessary to ensure that alternative proposals maintain consistency with primary SMP standards (related to moorage facility dimensions). Same rationale (justifying standards) as provided in the City's supporting analysis and in items above.
6	MICC 19.07.110 (E) (9) (a)	Over/In Water General Requirements	<p>a. Critical Areas within the shorelands are regulated by MICC 19.07.010 through and including 19.07.090, as adopted in the MICC on January 1, 2011, <u>except: 19.07.030.B Reasonable Use Exception; 19.07.040 Review and Construction Requirements C. Setback Deviation and D. Variances.</u></p>	The required changes will ensure that SMA authorities and procedures are followed through the City's implementation of the SMP.
7	MICC 19.07.110 (E) (9) (d) (i.) – (iv.)	New Development Vegetation Management Standards	<p>d. New development adding over 500 square feet of additional gross floor area or impervious surface, <u>including the primary structures and appurtenances,</u> shall be required to provide the following landscaping if located adjacent to the OHWM: native vegetation coverage over 50% of the 20-foot vegetation area shown on Figure C. This standard shall apply to the total of all new impervious surface area added in the 5 years immediately prior to the construction of the gross floor area or impervious surface addition.</p> <p>i. As illustrated in Figure C and within the 25 foot shoreline setback, a 20-foot vegetation area shall be established, measured landward from the OHWM. 25% of the area shall contain vegetation coverage.</p>	The identified provisions were developed by the City and are necessary to maintain no net loss of shoreline ecologic functions when considering potential impacts resulting from future (anticipated) shoreline development. The standards are

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			<p><u>i. New development over 1000 square feet of additional gross floor area or impervious surface, including the primary structures and appurtenances, shall be required to provide native vegetation coverage over 75% of the 20-foot vegetation area shown in Figure C.</u></p> <p>iii. A shoreline vegetation plan shall be submitted to the City for approval.</p> <p>iv.iii. The vegetation coverage shall consist of a variety of ground cover shrubs and trees <u>indigenous to the Central Puget Sound lowland ecoregion and suitable to the specific site conditions. Existing mature trees and shrubs, but</u> excluding non-native grasses <u>noxious weeds, may be included in the coverage requirement if located in the 20-foot vegetation area shown in Figure C.</u></p> <p>v.iv. No plants on the current King County Noxious Weed lists shall be planted within the shorelands.</p>	<i>based on the City's Shoreline Inventory and Cumulative Impact Assessment as required under WAC 173-26-201.</i>
8	MICC 19.16.010	Definitions	<p><u>19.16.010 Definitions.</u></p> <p><u>Words used in the singular include the plural and the plural the singular.</u></p> <p><u>Definitions prefaced with (SMP) are applicable only to the Shoreline Master Program, Chapter MICC 19.07.110</u></p>	<i>The identified provisions are necessary to guide implementation of the updated SMP.</i>
9	MICC 19.16.010 "B"	Definitions	<u>Boatlift: A structure or device used to raise a watercraft above the waterline for secure moorage purposes.</u>	<i>Definition necessary to ensure internal consistency of the updated SMP.</i>
10	MICC 19.16.010 "F"	Definitions	<p><u>Feasible (SMP): An action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions: (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results; (b) The action provides a reasonable likelihood of achieving its intended purpose; and (c) The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.</u></p> <p>[...]</p> <p><u>Fill (SMP): The addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land.</u></p>	<i>Both definitions are necessary to maintain consistency with definitions provided in WAC 173-26-020.</i>
11	MICC 19.16.010 "G"	Definitions	<u>Geotechnical report or geotechnical analysis (SMP): A scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.</u>	<i>Same rationale as above. The definition is necessary to ensure consistency with SMP-Guideline definitions at WAC 173-26-020 and to implement shoreline modification standards as required under WAC 173-26-231.</i>
12	MICC 19.16.010 "L"	Definitions	<u>Light Rail Facilities: A public rail transit line, including all ancillary facilities such as transit power substations, that operates at grade level, above grade level, on a bridge or in a tunnel and that provides high capacity, regional transit service owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A regional light rail transit system will be designed to cross I-90 right-of-way.</u>	<i>The definition is necessary to appropriately define this use/activity that will be regulated under the updated SMP.</i>
13	MICC 19.16.010 "N"	Definitions	Native vegetation: Vegetation identified by the Washington Native Plant Society or the United States Department of Agriculture as being native to Washington State. <u>Native vegetation does not include noxious weeds.</u>	<i>The required change provides an important distinction in defining native vegetation.</i>

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14	MICC 19.16.010 “S”	Definitions	<u>Shoreline areas and shoreline jurisdiction: All "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.</u> [...] <u>Shoreline Master Program: The comprehensive use plan for a described area, the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020 and the applicable guidelines. As provided in RCW 36.70A.480, the goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.</u>	<i>The identified definitions are necessary to ensure consistency with RCW 90.58, WAC 173-27 and the SMP-Guidelines at WAC 173-26.</i>
15	MICC 19.16.010 “W”	Definitions	Wetlands: Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands do not include artificial wetlands, such as irrigation and drainage ditches, grass-lined swales, canals, landscape amenities, and detention facilities or those wetlands, <u>created after July 1, 1990</u> , that were unintentionally created as a result of the construction of a road or street unless the artificial wetlands were created to mitigate the alteration of a naturally occurring wetland. For identifying and delineating a regulated wetland, the city will use the Wetland Manual. [...] Wetland Manual: The Washington State Wetland Identification and Delineation Manual <u>Identification of wetlands and delineation of their boundaries shall be done in accordance with the most currently approved Army Corps of Engineers wetlands delineation manual and applicable regional supplements.</u>	<i>The changes indicated are necessary for consistency with WAC 173-26-221 (2) (c) (i) and WAC 173-22-035 as it relates to wetland delineation and identification.</i>
16	MICC 19.15.010 G.6.c.i. (A)	Permit Review Procedures – Shoreline Exemption Criteria	(A) Any development of which the total cost or fair market value, whichever is higher, does not exceed \$5,718 <u>\$6,416</u> or as periodically revised by the Washington State Office of Financial Management, if such development does not materially interfere with the normal public use of the water or shorelines of the state; or	<i>The identified change is necessary to ensure consistency with a recent update to the monetary threshold used to characterize substantial development.</i>